

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HARRY J. WILLIBY,

No. C-06-07385 EDL

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL; DENYING  
PLAINTIFF'S MOTION FOR  
SANCTIONS AND DENYING  
PLAINTIFF'S EX PARTE REQUEST  
FOR IN CAMERA REVIEW**

v.

CITY OF OAKLAND, et al.,

Defendants.

Plaintiff Harry Williby, who is proceeding pro se in this matter, filed this action based on 42 U.S.C. § 1983 against the City of Oakland, the Oakland Police Department and Police Chief Wayne Tucker. Plaintiff alleges that police officers violated his rights by failing to act on Plaintiff's complaint of being chased by a vicious dog in June 2005 and by failing to comply with Plaintiff's request to effect a citizen's arrest of an unknown person who threatened to shoot Plaintiff while he was at a McDonald's restaurant in Oakland in December 2005.

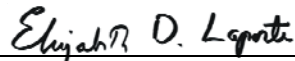
Plaintiff filed a motion to compel initial disclosures from Defendants, and a motion for sanctions. See Fed. R. Civ. P. 26(a)(1) (requiring parties to make initial disclosures that include supportive witnesses and documents, damages computations and insurance information "without awaiting a discovery request"). Defendants, however, timely served initial disclosures on March 9, 2007. Moreover, Plaintiff failed to meet and confer with Defendants' counsel prior to filing this motion; e-mails and letters do not satisfy the meet and confer requirement. See Civil L.R. 1(n) ("The mere sending of a written, electronic or voice-mail communication, however, does not satisfy a requirement to 'meet and confer' or 'confer.' Rather, this requirement can be satisfied only through direct dialogue and discussion - either in a face to face meeting or in a telephone conversation."). Therefore, Plaintiff's motion to compel is denied. Defendants are reminded,

1 however, of their continuing obligation to promptly supplement their initial disclosures pursuant to  
2 Federal Rule of Civil Procedure 26(e) and this Court's Case Management and Pretrial Order for Jury  
3 Trial. Now that Plaintiff has provided the name of the officer allegedly involved in the McDonald's  
4 incident, Defendants should be able to do so within a few weeks. Because the motion to compel is  
5 denied, Plaintiff's motion for sanctions is also denied.

6 As stated at the hearing, Plaintiff's ex parte request for in camera review is denied. No later  
7 than August 10, 2007, Plaintiff shall provide to Defendants' counsel a proposed amended complaint  
8 substituting Officer C. Craig as Doe Defendant #1. No later than August 13, 2007, counsel shall  
9 notify Plaintiff whether Defendants will stipulate to the filing of the proposed amended complaint.  
10 No later than August 21, 2007, Plaintiff shall either file a stipulated amended complaint or a motion  
11 to amend the complaint if Defendants will not stipulate to the amendment.

12 **IT IS SO ORDERED.**

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15 Dated: August 1, 2007

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17 ELIZABETH D. LAPORTE  
18 United States Magistrate Judge  
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